

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 1:14-CV-954**

STUDENTS FOR FAIR ADMISSIONS,	)	
INC.,	)	
	)	
Plaintiffs,	)	
	)	<b>JOINT MOTION TO DISPENSE</b>
v.	)	<b>WITH THE PRE-TRIAL</b>
	)	<b>SETTLEMENT CONFERENCE</b>
THE UNIVERSITY OF NORTH	)	
CAROLINA AT CHAPEL HILL, et al.,	)	
	)	
Defendants.	)	
	)	
	)	

Plaintiff Students for Fair Admissions, Inc., Defendants The University of North Carolina at Chapel Hill, et al., and Intervenor-Defendants respectfully make this joint request to dispense with the April 8, 2020 pre-trial settlement conference and related submissions.

On September 30, 2019, the Court denied the cross motions for summary judgment. (Dkt. 190) On January 2, 2020, the Court scheduled this case for a May 11, 2020 trial and, therefore, ordered a pre-trial settlement conference that was subsequently scheduled for April 8, 2020 before Magistrate Judge Webster. (Dkt. 194, 195)

The circumstances of this litigation, however, guarantee no chance of a pre-trial settlement. Count I of SFFA's complaint alleges that the University improperly uses race as a dominant factor in admissions decisions; Count II alleges that the University has failed to consider and implement available race-neutral alternatives to its current

admissions process; and Count III contends that any use of race in admissions is unconstitutional and argues that controlling Supreme Court precedent was wrongly decided.<sup>1</sup> Thus, SFFA seeks only equitable relief and related attorneys' fees: specifically, an order (i) declaring (a) that the University's undergraduate admissions practices do not comply with the Fourteenth Amendment and federal civil rights laws and (b) that any use of race or ethnicity in the educational setting violates the Fourteenth Amendment and federal civil rights laws; and (ii) permanently enjoining (a) the University's continued operation of those practices; and (b) the University's consideration of race as a factor in future undergraduate admissions decisions at UNC-Chapel Hill. Absent the University's agreement to no longer consider race or ethnicity in its admissions process, SFFA intends to pursue its claims through trial. The University likewise does not see any prospect for a resolution ahead of trial in light of the relief sought by SFFA. The University maintains that its admissions practices are lawful and does not intend to change them absent a Court order requiring it to do so.

As a result, the parties respectfully submit that, because any settlement conference is guaranteed to be futile, holding such a conference would be a waste of valuable judicial time and resources (as well as the resource of the parties). The parties are actively preparing for the May 11, 2020 trial, including all disclosures required by Federal Rule of Civil Procedure 26(a)(3) as referenced in the Court's January 2, 2020 order.

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<sup>1</sup> SFFA and the University Defendants have agreed that Count III need not be tried so long as SFFA's ability to raise Count III on appeal is preserved and will address that issue with the Court in a forthcoming submission.

Respectfully submitted this 13th day of March, 2020.

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 13, 2020, I filed a true and correct copy of the foregoing JOINT MOTION TO DISPENSE WITH THE PRETRIAL SETTLEMENT CONFERENCE with the Clerk of Court using the CM/ECF system.

This 13th day of March, 2020.

/s/ Patrick Fitzgerald  
Patrick Fitzgerald